

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DOUGLAS M. RAY, JR.,)	
)	
PLAINTIFF,)	
)	
v.)	Civil No. 3:10cv136
)	
ALLERGAN, INC., et al.,)	
)	
DEFENDANTS.)	

DEFENDANT’S RULE 59 MOTION FOR NEW TRIAL

Defendant Allergan, Inc. (“Allergan”), by counsel, hereby moves the Court for a new trial pursuant to Fed. R. Civ. P. 59. A new trial is warranted because (1) the verdict is against the clear weight of the evidence, (2) Allergan was substantially prejudiced by errors related to the admission of evidence, the questioning of witnesses, and instructions given to the jury, as well as improper argument by Plaintiff’s counsel, and (3) enforcement of the judgment would otherwise result in a miscarriage of justice. The particular grounds for this motion are set forth in detail in Allergan’s supporting memorandum of points and authorities, which is filed herewith.¹

¹ This motion is being filed as an alternative to Allergan’s Rule 50(b) Renewed Motion for Judgment as a Matter of Law, which is being filed this same day.

Respectfully submitted,

ALLERGAN, INC.

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Certificate of Service

I hereby certify that on the 27th day of May, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send notification of such filing to the following:

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